

Showing Current Law as Amended by H.R. 524, To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites.

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

Section 6 of the Coastal Barrier Resources Act (16 U.S.C. 3505)

(Sec. 6) §3505. Exceptions to limitations on expenditures

(a) In general

Notwithstanding [section 3504 of this title](#), the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this chapter:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under [chapter 2003 of title 54](#) and the Coastal Zone Management Act of 1972 ([16 U.S.C. 1451 et seq.](#)).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to [sections 5170a, 5170b, and 5192 of title 42](#) and section 1362 ¹ of the National Flood Insurance Act of 1968 ([42 U.S.C. 4103](#)) and are limited to actions that are necessary to alleviate the emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(b) Existing Federal navigation channels

For purposes of subsection (a)(2), a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) Expansion of highways in Michigan

The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) shall not apply to a highway-

- (1) located in a unit of the System in Michigan; and
- (2) in existence on November 16, 1990.

(d) Services and facilities outside System

(1) In general

Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under [section 3504 of this title](#) shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System (as depicted on the maps referred to in [section 3503\(a\) of this title](#)) which relate to an activity within that unit.

(2) Prohibition of flood insurance coverage

No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 ([42 U.S.C. 4001 et seq.](#)) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(3) Prohibition of HUD assistance

(A) In general

No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(B) "Financial assistance" defined

For purposes of this paragraph, the term "financial assistance" includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

(e) BORROW SITE.—Section 5 shall not apply to expenditures or financial assistance relating to the use of funds to use a borrow site located within the System if such site has been in use as a borrow site by a coastal storm risk management project for a period of more than 15 years.